

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	Group Art Unit: 1654
DAY <i>et al.</i>)	
)	Examiner: Christina Marchetti Bradley
Serial No.: 10/581,142)	
)	Confirmation No.: 1969
Filed: April 18, 2006)	
)	
For: TGF-BETA SUPPORTED AND)	
BINDING PEPTIDES)	
)	

RESPONSE TO THE NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response mailed February 26, 2010, Applicants request that the USPTO, hereinafter "the Office", note the following remarks relating to two items the Office alleges that Applicants failed to provide as required in the Notification of Missing Requirements mailed on 02/14/2007. According to the Office, Applicants failed to provide a copy of the Sequence Listing and to provide Sequence Identifiers in the specification and drawings.

Applicants submit that the Notification of Defective Response has been issued in error for the following reasons.

The Notification of Missing Requirements mailed on 02/14/2007 required Applicants to submit the oath or declaration of the inventors, and the surcharge for filing the missing items. A copy of the Notification of Missing Requirements is enclosed

(Appendix A). The Notification of Missing Requirements mailed on 02/14/2007 did not request to provide either a copy of the Sequence Listing or the sequence identifiers.

However, in order to expedite the transfer of the present application to the Examiner to begin prosecution, Applicants hereby address the matters of **1. The Sequence Listing** and **2. The Sequence Identifiers** as follows.

1. The Sequence Listing

In the Notification of Defective Response, the Office stated that Applicant had submitted, *inter alia*, a Biochemical Sequence Diskette and a Biochemical Sequence listing on 7/23/2009. The Office further stated that “the “Sequence Listing” in computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up “Raw Sequence Listing...” The Office also refers to an “attachment or PAIR document dated 07/23/09.”

In response, Applicants submit that Applicants did not file a Sequence Diskette or a Sequence Listing on 7/23/2009. The Sequence Listing filed by applicants in this case was provided in the International PCT/US2004/036979 of which the US is the application filed under 35 USC 371. Furthermore, the copy of the marked-up “Raw Sequence Listing” was not attached to the Notice, and Applicants submit that they had not provided a “marked-up Raw Sequence Listing”. The PAIR document dated 07/23/09 is a “PCT 371 Routing Sheet to be delivered to Tech center Scanning”. A copy of the cited PAIR document is attached (Appendix B). Thus, the PAIR document does not constitute a communication to Applicants, but is a communication internal to the Office.

As discussed above, in order to expedite the transfer of this application to the Examiner to begin prosecution, Applicants enclose a Substitute Sequence Listing, which contains a copy of the sequences filed in the international parent application PCT/US2004/036979, which has been updated to include the serial number of the present US application. The copy of the Substitute Sequence Listing is provided as a computer readable format as a .txt file named GC826-2-US-SEQLIST.TXT. Entry of the Sequence Listing into the Specification is requested. The content of the sequence information provided in the Substitute Sequence Listing is identical to that filed in the international application, and does not contain any new matter. In accordance with 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(d), the sequence listing submitted herewith is in .txt format and is being filed electronically; therefore, the sequence listing

satisfies the requirement as the computer readable copy and as the paper copy since they are the same.

2. The Sequence Identifiers

In the Notification of Defective Response, the Office stated that "Sequences appearing in the specification and/or drawings must be identified by sequence identifier in accordance with 37 CRF 1.821(d). ...Applicant must provide appropriate amendments to the specification or drawings inserting the required sequence identifiers."

In response to the Notification of Defective Response, Applicants submit that all sequences disclosed in the specification and drawings are identified by sequence identifiers. For example, sequences are disclosed in the Table of Peptides at page 48, the oligonucleotides at page 53, lines 27-28, the oligonucleotides at page 54, line 1, the sequences provided in Table 1 at page 56, the sequences provided in example 7 beginning at page 57, the sequences provided in Table 2 at page 60, and the sequence provided in Figure 2, and they are all identified by SEQ ID NOs. Therefore, Applicants again submit that the Notification of Defective Response has been issued in error.

Applicants believe that the present response fully addresses the Notification of Defective Response. If a telephone conference would expedite the transfer of this case to the Examiner to begin prosecution of this application, the Office is invited to telephone the undersigned at (650) 846-7636.

The Commissioner is authorized to charge any fees that may be required in connection with this submission and to credit any overpayments to Deposit Account No. 07-1048 (Attorney Docket No. GC826-2-US).

Respectfully submitted,

Date: March 25, 2010

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